

FREDERICK COUNTY PLANNING COMMISSION

FEBRUARY 18, 2009

MINUTES

COMMISSION MEMBERS PRESENT:

Joseph Brown
Richard Floyd
Kai Hagen, BoCC Liaison
Robert White, Secretary

Catherine Forrence, Vice Chair
John McClurkin
Audrey Wolfe, Chair

COMMISSION MEMBERS ABSENT:

PLANNING STAFF PRESENT:

Eric Soter, Director
Mark Depo, Deputy Director
Jim Gugel, Chief Comp. Planner
Amber DeMorett, GIS Manager

John Thomas, Planner
John Dimitriou, Planner
Tim Goodfellow, Planner

9:30 A.M.

MORNING SESSION

MS. WOLFE BROUGHT THE MEETING TO ORDER AT 9:30 AM.

1) MINUTES..... APPROVAL

None

2) PLANNING COMMISSION COMMENTS..... INFORMATIONAL

Commissioner Hagen noted that the first of two public hearings on the Waste-to-Energy Incinerator was held last night. There were about 215 people present, 50 spoke. He noted that for those who were not able to attend or speak the second meeting was being held tomorrow at 7pm. Commissioner White noted that there were many who were concept neutral but expressed they did not want it in their region.

3) AGENCY COMMENTS/AGENDA BRIEFING..... INFORMATIONAL

None

4) COUNTYWIDE COMPREHENSIVE PLAN INFORMATIONAL

Workshop #21: Continuation of the Countywide Comprehensive Plan update – Chief Planner Gugel noted the planned discussions for the morning and afternoon session.

Review Draft Community Growth Area Land Use Plans

Chief Planner Gugel went over the Regional Profiles, noting that these are **not** Region Plans. These provide historical data and issues that have been identified in those regions; they capture the facts and figures and are an overview of the respective regions. It was noted and discussed that the document presented were provided as a template, actual data will be added in once all mapping is completed. The FcPc made a request that they not be handed an item to be discussed at the actual meeting they were supposed to discuss it. Director Soter assured the committee that they would not be expected to discuss the handouts on the day they were distributed.

Both Audio and Video Tapes are available upon request or can be
review On-Line on the Frederick County's Website.

Current Region Plan and the 2009 Working Draft Map

(Draft Maps discussed were provided previous to today's meeting).

a) Brunswick

Planner Dimitriou reviewed the City of Brunswick's 2007 Master Plan Map with the defined annexation boundary, noting the Draft County Plan now matches the boundary line. He indicated that the northwest area is no longer included in the growth boundary and the focus for annexation is on the east side. He also noted other land use designation changes.

Individual properties were discussed as far as green space and roads.

The City of Brunswick's Bruce Dell (Planner) and Mayor Carroll Jones commented on the city's plan for the park and how large they want the city to grow. Also discussed were topics such as: public sewer needs; needed waste water treatment other than the Potomac; Brunswick's ability to serve as a growth area; MARC Train; RC plan designation area changes; protection for stream corridors; and the environmental park. The City acknowledged that the Draft Plan Map was acceptable. Director Soter noted that areas of issue discussed could be noted in the plan as issues and opportunities. The City noted they would consider recommendations from FcPc for future changes and come back at subsequent updates.

Public Comment:

- David Demaray – Petersville

b) Jefferson

Planner Dimitriou presented the Jefferson community draft map and noted the designation changes. Commissioner Hagen made a statement regarding the differences between an incorporated municipality, that largely controls its own destiny and land use, and the 24 unincorporated municipal-like villages of varying sizes, from as large as Urbana to as small as Burkittsville. The land protected by Priority Preservation near the Growth Boundary areas were pointed out and discussed. Planner Dimitriou noted the existing sewer service capacity, equating to 550 dwelling units, was ground water systems. He expressed that this would need to be expanded if growth occurred. Chief Planner Gugel acknowledged that the staff would incorporate the boundary change suggestions recommended by FcPc for inclusion in the Development Staging.

*** 10:58 BREAK - 11:10 RECONVENED ***

c) Adamstown and Eastalco Employment Area

Planner Goodfellow discussed the changes to the four communities as they reviewed the draft map. The growth boundary areas were discussed as well as designations, and zoning (that remained the same and those that changed and why).

Also discussed were the required setback and buffer issues for railroad tracks. Planner Goodfellow clarified a final point for the community - that there was no opportunity for expansion. Rail access was further discussed and contrasting opinions were noted about the zoning around Eastalco. Also discussed were the Priority Preservation Area and pulling back the growth area boundary. Commissioner Floyd suggested someone from the County write Eastalco and ask what they plan to do with the land. The question was asked if they were changing the value of that land by changing the zoning/designation.

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Exsisting Condition #26 – Eliminate no limit on CAP The area southeast of Mountville Road and US 15 were discussed as well as area zoned Industrial. Issues dealing with the road alignment and proposed connections were also discussed.

d) Buckeystown

Planner Goodfellow detailed the changes to the west boundary of Buckeystown. A parcel that received a Special Exception was discussed as well as public water and sewer issues. Further growth boundary changes were noted and consolidating the other-uses was pointed out.

e) Point of Rocks

Planner Goodfellow noted changes made to Point of Rocks including: growth boundary, plan designation changes, and proposed changes for the park. Flooding area and FEMA lots were discussed.

*** 12:16 BREAK - 1:15 RECONVENED ***

COMMISSIONER HAGEN DID NOT RETURN AFTER LUNCH BREAK

5) REZONING CONDITION AMENDMENT..... RECOMMENDATION

R-03-1 (A) – Linton Farm PUD Rezoning Condition Amendment: To Amend Condition #26 of Ordinance 04-03-347 to allow accumulation of unrecorded lots to be recorded in subsequent years. Linton Property – Phase II PUD Land Use Plan Map. (Tim Goodfellow)

Request: To amend condition #26 of Ordinance 04-03-347 to allow accumulation of unrecorded lots to be recorded in subsequent years.

Applicant/Owner: Dress Homes; north and south sides of MD 351, Ballenger Creek Pike at Elmer Derr Road.

Staff Presentation: Planner Goodfellow presented the staff report.

Staff Recommendation: Due to the additional 2+ years of plat recordation time available concurrent with APFO expiration, staff believes this request may be premature. Under the current phasing schedule of annual lot recordation, the applicant still has the ability to record 465 lots over the next four years (2009 - 2012) leaving 148 lots to be recorded after 2012 over the two years remaining prior to APFO expiration. Staff is not recommending an outright denial of the request at this point; they provided draft language for a revised condition no. 26 for the FcPc to consider (see Staff Report).

Should the Planning Commission recommend approval of R-03-01(A), some consideration of a nominal cap should be evaluated to further aid in phasing of the development with respect to improvements and to avoid excessive plat processing issues prior to the expiration of APFO. Additionally, the accumulation of lots should only occur from previous years and not future years. Staff would suggest the following condition:

Condition #26: During the construction phase of this project, any unrecorded lots or equivalent dwelling units per the approved recordation schedule may accumulate from prior years only and may be recorded in subsequent years. No more than 200 lots or equivalent dwelling units may be recorded in any one year.

Applicant:

- Andrew De Pasqual - Mile and Stockbridge representing Drees Homes (Applicant)
- Mark A. Fries – Rodgers Consulting
- Stuart Terl – Drees Homes

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Discussion included: the causes of the problem/delay; developers; the economy; getting permits; the “glut factor” for lot recordation accumulating plats; limits of market absorption; current market conditions; preliminary plan extensions; extensions for all development applications with APFO approval; tabling for 90 days or less; and a need for one solution to fit all of the delays in development due to the economy.

Commissioner White discussed a possible continuance for making a decision, noting a 2–5 year APFO renewable extensions alternative - based upon general circumstances that were not the fault of any delays of the applicant or economic standards. Commissioner Brown noted that an extension request may be premature and they should allow BoCC to decide on a comprehensive solution. As the discussion progressed, the possibility of extending all development applications with APFO approvals, it was brought to the attention of the FcPc that the BoCC had scheduled a meeting regarding possible extensions to development approval expiration dates and deadlines.

Commissioner Brown noted that there were many developers facing the same problem and felt it would be healthier “to allow the BoCC to sort through the issues with all the people who have a similar dilemma” and see what would benefit the county as a whole. The FcPc continued discussions and possible motions regarding the application, comments and concerns, and extension to APFO deadline and expiration dates.

County Attorney Mitchell cautioned the FcPc that the BoCC would not necessarily wait because of the FcPc “Continuance.” Director Soter advised the FcPc not to delay beyond 62 days because, Code No. 1.19 3 110.3, as relating to Zoning Map Amendments, noted that “*if not forwarded with recommendation within 62 days the request would be forwarded without FcPc’s recommendation*”. Both advised the FcPc to make a motion regarding the request before them and, if need be, make a second/separate motion to forward comments and concerns. The second motion should **not** be tied to the primary motion.

MOTION 1: Commissioner Brown made a motion to recommend a 62 day continuance. Motion was 2nd by Commissioner Floyd.

4-2-0-1

Yea - 4 (Brown, Floyd, McClurkin, Wolfe), **Nay – 2** (Forrence, White), **Absent – 0, Abstain – 1** (Hagen)
Motioned Carried

MOTION 2: Commissioner White recommended, that based on current situations due to the economy and with homebuilding within Frederick County, FcPc forwarded a statement to BoCC suggesting they examine a solution to help address these situations through an extension of APFO approvals and other project deadlines.

No Vote

General Consensus

The FcPc requested Staff draft a letter summarizing comments and concerns regarding APFO expiration dates and deadlines expressed today for submission to the Board of County Commissioners.

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***** 2:20 BREAK - 2:27 RECONVENED *****

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6) CAPITAL IMPROVEMENT PROGRAM REVIEWFINDING OF CONSISTENCY

Public hearing on staff recommended fiscal years 2010-2015 capital improvements program (CIP) and finding of consistency with the comprehensive plan. The CIP includes the following project areas: General Government; Division of Utilities and Solid Waste; Division of Public Works (Parks & Recreation, Development Review, and Highways & Transportation); Frederick Community College; Municipalities; and Board of Education.

Staff recommendation:

Director Soter presented the annual review of the counties 6-year Capital Improvement Plan and recommended that the FcPc find the location, character, and extent of the staff recommended fiscal years 2010-2015 capital improvement program are consistent with the various region plans as well as the countywide plan.

Public comment:

None

Discussion:

Questions from the FcPc were addressed by staff and other agencies as needed. Items that were incorrectly stated in the CIP report were addressed and restated. Discussed were: parks schools, administrative office and maintenance, sewer & water. In regards to questions by FcPc related to the cost of items, Director Soter noted that some funding amounts were from prior approvals and/or he would have the finance office (or agency responsible) address as his office did not prepare the numbers questioned.

Additional questions were asked of IIT, Finance, and Public School staff.

MOTION: Commissioner Brown made a motion to find the CIP fiscal years 2010-2015, as staff recommended, consistent with Frederick County Comprehensive Plan. Motion was 2nd by Commissioner Floyd.

6-0-0-1

Yea - 6 (Brown, Floyd, Forrence, McClurkin, White, Wolfe), Nay – 0, Absent – 0, Abstain – 1 (Hagen)

Motioned Carried

**7) COUNTYWIDE COMPREHENSIVE PLAN INFORMATIONAL
(continued from morning session)**

a) Review chapter drafts

i) Chapter 7 – Getting Around – Providing Transportation Choices

Planner Thomas presented the Visions, Goals, Policies and Action Items followed by the text of the chapter. He reminded the FcPc that this was not the last time to comment on the chapter draft.

POLICIES: A number of comments, word selection and the grammatical correction were suggested. Discussions included retaining single lane bridges, minimum width standards for bridges, need to connect our streets, pedestrian connection, heavy rail, no competing airports, bike lanes on rural roads, phasing for safety on appropriate roads, maintenance, and truck study.

ACTION ITEMS: Commissioner Brown suggested the county could really improve with having both a link analysis and intersections analysis done - differentiate between the two. Commissioner Forrence wanted to add to the text between the Policy & Action Items to include truck noise and other engine noises.

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Additional comments, word selection and grammatical correction were suggested. Other suggestions and discussions included: vertical parking (structured parking), traffic calming devices, use of the I-270 transit way (bus/rapid transit, light rail, & heavy rail were specifically mentioned), bridge projects being designed to not be retro fitted, and the complete street concept. Planner Thomas gave more detail on what was possible with the travel modeling program. Chief Planner Gugel clarified that this was **not** a traffic impact study and allowed projections in the future. He noted that staff, at some point in the future, could go over/explain the demand (travel forecasting) model. Adding pollution control ordinances and the inclusion of native species were also discussed.

Public Comment:

- David Demaray – Petersville

8) **ANNOUNCEMENTS** INFORMATIONAL

Upcoming Workshops/Meetings

*** ADJOURNED MEETING AT 4:48 ***

Respectfully Submitted,

Audrey Wolfe, Chair

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